



2025:DHC:7127



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of Decision: 21.08.2025

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BAIL APPLN. 3921/2024**PARVEZ @ BHOORA**

.....Petitioner

Through: Mr. Suraj Prakash Sharma, Advocate.

versus

THE STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Amit Ahlawat, APP for State
IO/ASI Sachin Singh**CORAM: JUSTICE GIRISH KATHPALIA****JUDGMENT (ORAL)**

1. The accused/applicant seeks regular bail in case FIR No. 261/2023 of PS Crime Branch for offence under Section 20/29 of NDPS Act. I have heard learned counsel for accused/applicant as well as learned APP for State assisted by IO/ASI Sachin. On last date also, despite spending quite some time flipping through pages, the IO could not take out the necessary records of Call Detail Records (CDR) and Customer Application Form (CAF) in order to show the alleged connectivity between the accused/applicant and co-accused persons. Same is the status today.

2. Broadly speaking, the prosecution case is as follows. On the basis of a secret information received at PS Crime Branch on 29.10.2023 at about 01:00 pm, a raiding team was constituted. The secret information received by ASI Sanjeev Kumar was that one Parvez @ Bhoora (*the accused/applicant*) a resident of Muzzafarnagar brings *ganja* from Vijayawada, Andhra Pradesh through train parcels and supplies it in Delhi



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and NCR; and that the said person would come to New Delhi Railway Station with *ganja* by Kerala Express. On inquiry, the raiding team came to know that the train Kerala Express would reach at platform No. 7 of New Delhi Railway Station at about 02:45 pm. The raiding team took position. At about 02:45 pm, when passengers from Kerala Express started deboarding, a boy wearing blue T-shirt and carrying a bag was seen going towards the parcel area. The secret informer identified that person as Parvez (*the accused/applicant*) and left. The accused/applicant started watching the luggage being unloaded from the parcel van. After about 20 minutes, the accused/applicant removed the computerized parcel booking slip from one of those parcels and kept talking to someone who was releasing the parcels at that place. It is at that stage the accused/applicant was apprehended. Those parcels were found to contain the contraband *ganja*.

3. It is contended on behalf of accused/applicant that he is innocent and has been falsely booked in the present case. It is further contended by learned counsel for the accused/applicant that there is practically no evidence against the accused/applicant.

4. As reflected from previous record, in the course of arguments on earlier dates, contention of the prosecution was that the accused/applicant had booked the contraband parcels from Vijayawada and was in the process of getting the same released from Railways. Besides that, the contention of the prosecution was that the accused/applicant was in constant touch with the co-accused Usman and Subhash Bhati through telephone connectivity and money transfer. But despite repeated adjournments, no documentary



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evidence as regards the alleged booking of the contraband parcels or telephonic connectivity or money transactions between the accused persons has been produced.

5. Today, learned APP on instructions of the IO submits that the accused/applicant had handed over the contraband parcels in Vijayawada to one Syed Sajid, who formally booked the parcels at the Vijayawada Railway Station booking counter and his statement has been recorded under Section 161 CrPC. In response, learned counsel for accused/applicant contends that it is Syed Sajid, who is the actual culprit, but let off by the IO illegally. That being so, I called upon the IO to show the statement of Syed Sajid and the corresponding Case Diary. To say the least, the Case Diary corresponding the statement of Syed Sajid does not inspire confidence because of the manner in which a long narration of the investigation process was printed on the papers, even covering the header and footer margins to somehow fit in the matter; *prima facie*, it appears that the efforts were done to somehow squeeze in the material between two successive Case Diaries. It conveys *prima facie* impression that this Case Diary *qua* statement of Syed Sajid has been subsequently inserted. Be that as it may, the IO is also unable to explain as to why no statement of the window clerk of the parcel section at Vijayawada Railway Station was recorded to find out as to who had delivered the parcels there.

6. In other words, the evidence collected by the investigator neither shows that the accused/applicant personally got the parcels booked and handed over the same at Vijayawada Railway Station nor shows that the



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accused/applicant personally got the parcels released from New Delhi Railway Station. Even as regards Syed Sajid, there is no material collected by the IO to show that the parcels were handed over by the accused/applicant to Syed Sajid.

7. At this stage, I must add a cautious rider that the entire above discussion has been done only keeping in mind the stringent conditions laid down in Section 37 NDPS Act in order to satisfy myself as to whether there is some evidence to connect the accused/applicant with the alleged offence so as to attract the rigours of Section 37 NDPS Act. The learned trial court shall take independent view after conclusion of trial on these aspects.

8. Considering the above circumstances, I do not find it a fit case to further deprive the accused/applicant liberty.

9. The application is allowed and the accused/applicant is directed to be released on bail subject to his furnishing a personal bond in the sum of Rs.10,000/- with one surety in the like amount to the satisfaction of the learned trial court.

10. Copy of this order be sent to the concerned Jail Superintendent for being immediately conveyed to the accused/applicant.

**GIRISH KATHPALIA
(JUDGE)**

AUGUST 21, 2025/as

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